

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 10-0500.01 Jason Gelender

HOUSE BILL 10-1147

HOUSE SPONSORSHIP

Kefalas, Fischer, Gagliardi, Hullinghorst, Kerr A., McFadyen, Merrifield, Primavera, Vigil

SENATE SPONSORSHIP

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Education

A BILL FOR AN ACT

101 **CONCERNING SAFER USE OF NONMOTORIZED WHEELED**
102 **TRANSPORTATION BY MINORS, AND, IN CONNECTION**
103 **THEREWITH, CODIFYING INTO LAW THE EXISTING BIKE AND**
104 **PEDESTRIAN POLICY DIRECTIVE OF THE DEPARTMENT OF**
105 **TRANSPORTATION AND REQUIRING THE DEPARTMENT OF**
106 **TRANSPORTATION, IN COLLABORATION WITH THE DEPARTMENTS**
107 **OF EDUCATION AND PUBLIC SAFETY AND APPROPRIATE**
108 **NONPROFIT ORGANIZATIONS AND ADVOCACY GROUPS, TO**
109 **NOTIFY SCHOOLS OF THE AVAILABILITY OF AND MAKE**
110 **AVAILABLE TO SCHOOLS EXISTING EDUCATIONAL CURRICULUM**
111 **FOR MINORS REGARDING THE SAFE USE OF PUBLIC STREETS AND**
112 **PREMISES OPEN TO THE PUBLIC.**

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unam ended
April 20, 2010

SENATE
Am ended 2nd Reading
April 19, 2010

HOUSE
3rd Reading Unam ended
March 3, 2010

HOUSE
Am ended 2nd Reading
March 1, 2010

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Section 2 of the bill codifies the existing bicycle and pedestrian policy directive of the department of transportation (CDOT) into law and makes legislative declarations.

Section 3 of the bill:

- ! Requires CDOT and the departments of education and public safety to collaborate, under the auspices of the safe routes to schools program of CDOT, with local governments, school districts, and appropriate organizations to develop and make available to schools a comprehensive educational curriculum regarding the safe use of public streets and premises open to the public by users of nonmotorized wheeled transportation.
- ! Requires an individual 2 years of age or older but under 18 years of age to wear a helmet that meets the applicable federal safety standard for helmets whenever the individual uses nonmotorized wheeled transportation on a public street or premises open to the public.
- ! Defines "nonmotorized wheeled transportation" as any human-powered vehicle or equipment intended for use on public streets and premises open to the public and designed primarily to transport one or more individuals and that rolls on wheels including, but not limited to, a bicycle, scooter, skateboard, or in-line skates. The definition does not include a wagon, a trailer, or any other vehicle or equipment that is primarily designed to be towed or pulled by an individual or by any other vehicle or equipment.
- ! Categorizes a violation of the helmet requirement as an unclassified traffic infraction but specifies that its enforcement shall consist only of the stopping of a violator or an accompanying adult, the informing of the violator or accompanying adult of the violation, and the provision of a card to the violator or accompanying adult that explains the risks of not wearing a helmet and provides information as to where the violator may obtain a free or low-cost helmet if the violator or the violator's family cannot afford to purchase one.

- ! Specifies that a violation of the helmet requirement is not admissible as evidence in court as a defense against liability or to reduce damages in a lawsuit arising out of the violator's death or injury and that the parent or legal guardian of a violator shall not be subject to any legal liability due to the violation.
- ! Exempts from the helmet requirement an individual whose religious beliefs or practices would be violated by the wearing of a helmet.

Section 1 of the bill makes legislative findings and declarations.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) It is in the best interests of all Coloradans to make our streets
5 safe for all users including motorists, transit users, pedestrians, bicyclists,
6 and users of other types of nonmotorized wheeled transportation;

7 (b) The safe routes to school program and the bicycle and
8 pedestrian policy adopted by the Colorado department of transportation
9 help to make our streets more friendly to pedestrians, bicyclists, and users
10 of other forms of nonmotorized wheeled transportation and to encourage
11 more children to walk, bike, or use another form of nonmotorized
12 wheeled transportation to get to and from school safely; and

13 (c) Children and adolescents will benefit from additional
14 education regarding the rules of the road, high risk traffic situations, and
15 the safe use of bicycles and other forms of nonmotorized wheeled
16 transportation.

17 (2) The general assembly further finds and declares that:

18 (a) In its strategic plan, the Colorado state patrol has made a
19 commitment to lead and to sustain a cooperative effort that will eliminate
20 most traffic fatalities in Colorado by 2025;

1 (b) Although bicycling is a safe and healthy activity, on average,
2 eleven bicyclists are killed and five hundred forty bicyclists are
3 hospitalized annually in Colorado due to injuries sustained in bicycle
4 crashes;

5 (c) Brain injury is the leading cause of death and serious disability
6 resulting from the use of nonmotorized wheeled transportation, and in
7 Colorado approximately one-third of hospital emergency room visits for
8 bicycle-related accidents are for brain injuries;

9 (d) Of all age groups, children between the ages of five and
10 fourteen have the highest rate of bicycle-related hospital admissions, and
11 almost one-third of such hospitalized children have suffered brain
12 injuries; and

13 (e) Because the economic cost to an individual and to society of
14 a single severe nonfatal brain injury can exceed two million one hundred
15 thousand dollars, the state has a legitimate interest in preventing and
16 mitigating the severity of such injuries.

17 (3) The general assembly further finds and declares that it is
18 necessary, appropriate, and in the best interest of the state to:

19 (a) Adopt the existing bike and pedestrian policy directive of the
20 department of transportation as law; and

21 (b) Facilitate the promulgation and distribution of a nonmotorized
22 wheeled vehicle safety education curriculum.

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24 **SECTION 2.** Part 1 of article 1 of title 43, Colorado Revised
25 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
26 read:

27 **43-1-120. Bicycle and pedestrian policy - codification -**

1 **legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND
2 DECLARES THAT:

3 (a) IT IS IN THE BEST INTEREST OF ALL COLORADANS TO PROMOTE
4 TRANSPORTATION MODE CHOICE BY ENHANCING SAFETY AND MOBILITY
5 FOR BICYCLISTS AND PEDESTRIANS ON OR ALONG THE STATE HIGHWAY
6 SYSTEM;

7 (b) THE DEPARTMENT HAS ADOPTED A BIKE AND PEDESTRIAN
8 POLICY DIRECTIVE TO FURTHER THIS GOAL; AND

9 (c) IT IS NECESSARY AND APPROPRIATE TO ELEVATE THE STATUS
10 OF THE BIKE AND PEDESTRIAN POLICY OF THE DEPARTMENT TO THAT OF
11 LAW BY CODIFYING IT IN SUBSECTION (2) OF THIS SECTION.

12 (2) (a) THE DEPARTMENT AND ITS SUBDIVISIONS SHALL PROVIDE
13 TRANSPORTATION INFRASTRUCTURE THAT ACCOMMODATES BICYCLE AND
14 PEDESTRIAN USE OF PUBLIC STREETS IN A MANNER THAT IS SAFE AND
15 RELIABLE FOR ALL USERS OF PUBLIC STREETS;

16 (b) THE NEEDS OF BICYCLISTS AND PEDESTRIANS SHALL BE
17 INCLUDED IN THE PLANNING, DESIGN, AND OPERATION OF
18 TRANSPORTATION FACILITIES AS A MATTER OF ROUTINE; AND

19 (c) ANY DECISION OF THE DEPARTMENT TO NOT ACCOMMODATE
20 THE NEEDS OF BICYCLISTS AND PEDESTRIANS SHALL BE DOCUMENTED
21 BASED ON EXEMPTION CRITERIA THAT WERE ESTABLISHED BY THE
22 COMMISSION BEFORE THE DECISION WAS MADE.

23 **SECTION 3.** Article 4 of title 42, Colorado Revised Statutes, is
24 amended BY THE ADDITION OF A NEW PART to read:

25 **PART 23**
26 **EDUCATION REGARDING USE OF NONMOTORIZED**
27 **WHEELED TRANSPORTATION BY MINORS**

1 **42-4-2301. Comprehensive education.** (1) THE [REDACTED]
2 DEPARTMENT OF TRANSPORTATION, IN COLLABORATION WITH THE
3 DEPARTMENTS OF EDUCATION AND PUBLIC SAFETY AND APPROPRIATE
4 NONPROFIT ORGANIZATIONS AND ADVOCACY GROUPS, SHALL NOTIFY
5 SCHOOLS OF THE AVAILABILITY OF AND MAKE AVAILABLE TO SCHOOLS
6 EXISTING EDUCATIONAL CURRICULUM FOR INDIVIDUALS UNDER EIGHTEEN
7 YEARS OF AGE REGARDING THE SAFE USE OF PUBLIC STREETS AND
8 PREMISES OPEN TO THE PUBLIC BY USERS OF NONMOTORIZED WHEELED
9 TRANSPORTATION AND PEDESTRIANS. THE CURRICULUM SHALL FOCUS ON,
10 AT A MINIMUM, INSTRUCTION REGARDING:

- 11 (a) THE SAFE USE OF BICYCLES;
- 12 (b) HIGH RISK TRAFFIC SITUATIONS;
- 13 (c) BICYCLE AND TRAFFIC HANDLING SKILLS;
- 14 (d) ON-BIKE TRAINING;
- 15 (e) PROPER USE OF BICYCLE HELMETS;
- 16 (f) TRAFFIC LAWS AND REGULATIONS; [REDACTED]
- 17 (g) THE USE OF HIKING AND BICYCLING TRAILS; AND
- 18 (h) SAFE PEDESTRIAN PRACTICES.

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21 **SECTION 4. Specified effective date.** This act shall take effect
22 July 1, 2010.

23 **SECTION 5. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.